

**COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT**

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The Minutes

November 14, 2005

C048472 THE PEOPLE v. JOHNSON, JR. (Not for Publication)

The judgment (order of probation) is affirmed. The trial court is directed to correct the minutes and probation order to properly state the amount and statutory basis of each fine and fee.

ROBIE, J.

We Concur: Scotland, P.J.
 Nicholson, J.

C048508 THE PEOPLE v. MARTINEZ (Not for Publication)

The judgment is affirmed.

ROBIE, J.

We Concur: Scotland, P.J.
 Blease, J.

November 15, 2005

At 9:30 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Davis, Associate Justice; and Facey, bailiff.

C048635 MOSELEY et al. v GILFILLIAN et al.

Cause called. Stephanie Finelli argued for appellants. Anders R. Morrison argued for respondents. Cause submitted.

At 9:43 a.m., the court recessed. At 9:46 a.m., the court reconvened with Blease, Associate Justice; Sims, Associate Justice; and Davis, Associate Justice.

C047061 LACKNER v. NORTH et al.

Cause called. Charles M. Coate argued for appellant. John P. Kelly argued for respondents Bender et al. Peter J. Koenig argued and Brian T. Clark appeared only for respondent Mammoth Mountain Ski Area. Cause submitted.

At 10:16 a.m., the court recessed. At 10:18 a.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Butz, Associate Justice.

C048156 PATTEN v. GRANT JOINT UNION HIGH SCHOOL DISTRICT

Cause called. Leo F. Donahue argued for appellant. Lynn A. Garcia argued for respondent. Cause submitted

At 10:48 a.m., the court recessed until 9:30 a.m., Wednesday, November 16, 2005.

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November 15, 2005, continued

C048377 THE PEOPLE v. POTTS (Not for Publication)

The judgment is affirmed.

RAYE, J.

We Concur: Blease, Acting P.J.

Butz, J.

C047621 THE PEOPLE v. SAMPLE

BY THE COURT:

Appellant's petition for rehearing is denied.

SCOTLAND, P.J.

November 16, 2005

At 9:33 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Scotland, Presiding Justice; Sims, Associate Justice; Robie, Associate Justice; and Facey, bailiff.

C044474 FLUCKIGER v. EL DORADO COUNTY DEPARTMENT OF CHILD SUPPORT SERVICES

Cause called. Frank E. Dougherty argued for appellant. Sharon Quinn, Deputy Attorney General, argued for respondent. Cause submitted.

At 10:03 a.m., the court recessed. At 10:10 a.m., the court reconvened with Scotland, Presiding Justice; Hull, Associate Justice; and Butz, Associate Justice.

C049259 MIMA CORPORATION v. CE3000.COM, INC., et al.

Cause called. Order to Show Cause hearing held. Cynthia Lacy appeared on her own behalf.

The court recessed at 11:30. The court reconvened at 3:32 p.m. The court recessed again for the day at 3:48 p.m. until 9:30 a.m., Friday, November 18, 2005.

C043894 THE PEOPLE v. TAYLOR (Not for Publication)

The trial court shall prepare and forward to the Department of Corrections an abstract of judgment deleting the AIDS testing order... The judgment as modified is affirmed.

MORRISON, J.

We Concur: Sims, Acting P.J.

Hull, J.

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November 16, 2005, continued

- C045254 THE PEOPLE v. YANG (Not for Publication)**
The gang enhancement is reversed. The superior court is directed to amend the abstract of judgment... In all other respects, the judgment is affirmed.
ROBIE, J.
We Concur: Blease, Acting P.J.
 Hull, J.
- C049167 THE PEOPLE v. NORRIED (Not for Publication)**
The judgment is affirmed.
ROBIE, J.
We Concur: Scotland, P.J.
 Nicholson, J.
- C049504 THE PEOPLE v. BARNETT (Not for Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Scotland, P.J.
 Robie, J.
- C049135 LOPEZ v. THE SUPERIOR COURT OF SAN JOAQUIN COUNTY and THE PEOPLE (Not for Publication)**
Let a peremptory writ of mandate issue... The stay previously issued is vacated.
BUTZ, J.
We Concur: Raye, Acting P.J.
 Hull, J.

November 17, 2005

- C047166 THE PEOPLE v. SMITH, JR. (Not for Publication)**
The judgment is affirmed.
HULL, J.
We Concur: Blease, Acting P.J.
 Robie, J.
- C047569 THE PEOPLE v. MAXWELL (Not for Publication)**
The amended abstract of judgment filed March 21, 2005, is modified... As modified, the amended judgment is affirmed...
BUTZ, J.
We Concur: Blease, Acting P.J.
 Hull, J.

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November 17, 2005, continued

- C048243 THE PEOPLE v. TERRY (Not for Publication)**
The judgment is affirmed.
CANTIL-SAKAUYE, J.
We Concur: Hull, Acting P.J.
Robie, J.
- C048795 THE PEOPLE v. PARHAM (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Blease, Acting P.J.
Raye, J.
- C048919 THE PEOPLE v. BERRY (Not for Publication)**
The judgment is modified... In all other respects the judgment is affirmed...
RAYE, J.
We Concur: Blease, Acting P.J.
Butz, J.
- C049599 THE PEOPLE v. SMITH (Not for Publication)**
The matter is remanded to the trial court to either strike the prison term enhancement or impose it. In all other respects, the judgment is affirmed.
BUTZ, J.
We Concur: Blease, Acting P.J.
Raye, J.
- C050107 THE PEOPLE v. MCCONNELL (Not for Publication)**
The judgment is affirmed.
SCOTLAND, P.J.
We Concur: Robie, J.
Cantil-Sakauye, J.
- C047202 WICHMAN v. MENDOZA (Not for Publication)**
The order is reversed and the trial court is directed to enter the arbitration award as a judgment pursuant to section 1141.23. Costs are awarded appellant.
BLEASE, Acting P.J.
We Concur: Morrison, J.
Hull, J.

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November 17, 2005, continued

- C047787 In re Y.M.; THE PEOPLE v. Y.M. (Not for Publication)**
The judgment (order committing the minor to CYA) is affirmed.
BLEASE, Acting P.J.
We Concur: Raye, J.
Butz, J.
- C049238 In re A.S.; SACRAMENTO COUNTY DEPARTMENT OF HEALTH AND
HUMAN SERVICES v. BRANDIE S. (Not for Publication)**
The orders terminating parental rights are reversed and the matter is
remanded...
BUTZ, J.
We Concur: Sims, Acting P.J.
Raye, J.

November 18, 2005

At 9:32 a.m., the court met in the Library and Courts Building to begin its court calendar session. Present were Sims, Associate Justice; Nicholson, Associate Justice; Hull, Associate Justice, and Guzman, bailiff.

- C043361 THE PEOPLE v. DICKEY-O'BRIEN**
Cause called. Michael B. Dashjian, court appointed counsel, argued for appellant and submitted additional citations. Susan J. Orton, Deputy Attorney General, argued for respondent and submitted additional citations. Cause submitted.
- At 9:56 a.m., the court recessed. At 10:03 a.m., the court reconvened with Davis, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.
- C048326 NADEAU v. CHASE**
Cause called. Robert L. Davis argued for appellant. Michael G. Gallert argued for respondent. Cause submitted.
- At 10:16 a.m., the court recessed. At 10:25 a.m., the court reconvened with Davis, Associate Justice; Morrison, Associate Justice; and Cantil-Sakauye, Associate Justice.
- C046134 SHEETS v. SHEETS**
Cause called. Brendan Ishikawa argued for appellant. Sally K. Callahan argued and Paige Leslie Wickland appeared only for respondent. Cause submitted.

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At 10:47 a.m., the court recessed. At 10:53 a.m., the court reconvened with Nicholson, Associate Justice; Raye, Associate Justice; and Morrison, Associate Justice.

C040082 HEAROD v. DENNY'S, INC.

Cause called. Charity Kenyon argued for appellant. Letty Litchfield argued for respondent. Cause submitted.

C020733 EDUCATIONAL EMPLOYEES CREDIT UNION et al. v. FRANCHISE TAX BOARD

Cause called. David B. Goodwin argued for appellants. Benjamin F. Miller argued and Edward J. Kline appeared only for appellant. Cause submitted.

At 12:00p.m., the court recessed. At 2:01 p.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Hull, Associate Justice.

C045754 WILD GOOSE STORAGE, INC. v. ROSEVILLE LAND DEVELOPMENT ASSOCIATION

Cause called. Dennis W. De Cuir argued for appellant, Michael R. Nave and Michael B. Day argued for respondent. Cause submitted.

At 2:30 p.m., the court recessed. At 2:34 p.m., the court reconvened with Blease, Associate Justice; Morrison, Associate Justice; and Hull, Associate Justice.

C046802 SPOTH v. SILTANEN and PC-DOCTOR, INC.

Cause called. Gregory L. McCoy argued for appellant. Alan W. Foutz, argued for respondents. Cause submitted.

At 3:01 p.m., the court recessed. At 3:07 p.m., the court reconvened with Davis, Associate Justice; Nicholson, Associate Justice; and Raye, Associate Justice.

C046813 CALIFORNIANS FOR ALTERNATIVE TO TOXICS v. DEPARTMENT OF PESTICIDE REGULATION et al. and DOW AGROSCIENCES et al.

Cause called. Michael W. Graf argued and Thomas N. Lippe appeared only for appellant. Matthew J. Goldman, Deputy Attorney General, argued for respondents Department of Pesticide Regulation et al. Stanley W. Landfair argued for real parties in interest-respondents, Down Agrosiences et al. Cause submitted.

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November 18, 2005, continued

At 3:43 p.m., the court recessed until 9:30 a.m., Monday, November 21, 2005.

- C047677 THE PEOPLE v. GARDNER (Not for Publication)**
The judgment is affirmed.
BUTZ, J.
We Concur: Blease, Acting P.J.
Hull, J.
- C046955 OLSEN v. HARBISON III (Not for Publication)**
The order denying disqualification is affirmed...
MORRISON, J.
We Concur: Sims, Acting P.J.
Hull, J.
- C058797 CASTEEL v. COUNTY OF SAN JOAQUIN et al. (Not for Publication)**
The judgment is reversed and the matter remanded to the superior court with directions to vacate the stay order and the writ of mandate and to conduct further proceedings consistent with this opinion. Defendants shall receive their costs on appeal.
HULL, J.
We Concur: Scotland, P.J.
Blease, J.
- C048900 BANIS RESTAURANT DESIGN, INC. v. SERRANO et al. (Not for Publication)**
The judgment is affirmed. Defendants are awarded their costs on appeal.
HULL, J.
We Concur: Sims, Acting P.J.
Morrison, J.
- C048872 In re A.P.; DEPARTMENT OF HEALTH & HUMAN SERVICES v. DWANNA P. (Not for Publication)**
The orders of the juvenile court are affirmed.
BLEASE, J.
We Concur: Scotland, P.J.
Robie, J.
- C047209 BOYER v. BOYER**
BY THE COURT:
Appellant's petition for rehearing is denied.
MORRISON, Acting P.J.